



THE GEORGE  
WASHINGTON  
UNIVERSITY  
WASHINGTON DC

THE PRESIDENT

TO: Lilien F. Robinson, Chair (2003-04)  
Executive Committee of the Faculty Senate

FROM: Stephen Joel Trachtenberg

SUBJECT: Faculty Senate Resolution

DATE: June 27, 2004

Lilien: I am in receipt of your April 28, 2004 memorandum providing a tabulation of resolutions acted upon by the Faculty Senate during its 2003-04 session. As you requested, I am pleased to attach the response of the Administration to these resolutions for inclusion in the Faculty Senate Annual Report. This reply also addresses Resolutions 04/1 and 04/2 submitted by Professor Wilmarth on May 12.

SJT/h  
Cc: Arthur E. Wilmarth, Jr., Chair

# RESOLUTIONS 2003-SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
03/1	5/9/03	A Resolution on the Alternative Academic Calendar	Adopted 5/9/03	Administration responded affirmatively; the Senate elected Paul Churchill, Ed Cherian and Carol Hoare to the task force
03/2	5/9/03	A Resolution on the Establishment Of a "School of Public Policy and Public Administration" Within the Columbian College of Arts & Sciences	Adopted 5/9/03	Thank you for your input; SPPPA is now in place
03/3	9/12/03	A Resolution for University Financial Support of Faculty Members to Attend Conferences and Meetings and to Receive Stipends for Purchase of Material in Support of their Research	Referred to a Joint Subcommittee of the Research Committee and the Faculty Development and Support Committee	This is a resource priority matter for each individual school
03/4	10/31/03	A Resolution on the Proposals for an Alternative Academic Calendar	Adopted 10/31/03	This Resolution addresses two issues—they are severable; both will need further consideration; Alternative Academic Calendar later; 4X4 curriculum sooner
03/5	11/14/03	A Resolution to Amend the Code of Academic Integrity	Adopted 11/14/03	Accepted; change made; approved by Board of Trustees February 2004
* 03/6	1/16/04	A Resolution to Recommend the Establishment of an Election as of Right by Tenure Track Faculty Who Become New Parents During the Probationary Period	Adopted as amended, 1/16/04; Forwarded to S. Bonthuis for the Board of Trustees	Accepted; approved by Board of Trustees February 2004; the Administration believes that the principle implicit in this Resolution is likely to lead to further articulation based on experience
03/7	2/13/04	A Resolution to Amend the Policy on Conflicts of Interest and Commitment	Adopted 2/13/04	Accepted; approved by Board of Trustees May 2004
03/8	3/12/04	A Resolution to Amend the Policy on Scientific Misconduct	Adopted as amended 3/12/04	Accepted; interim policy status confirmed

\* Faculty Code

RESOLUTIONS 2003-04 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
03/9	4/9/04	A Resolution on Scholarly Communication and Library Serials Acquisitions	Adopted 4/9/04	Concur
03/10	4/9/04	A Resolution on the Roles of Faculty Members, School-Wide Personnel Committees, and Administration Officials in Tenure and Promotion Cases	Adopted 4/9/04	Administration understands this as a restatement of the status quo anti; this Resolution in no way changes prior conventions about the rules of engagement; Administration fully concurs in the resolving parts 1-4; with respect to 5/5-A-iv, it must be understood as meaning that rigorous review with depth and thoroughness must be conducted by the recommending faculty
03/11	4/9/04	Resolution of Appreciation (Lilien F. Robinson)	Adopted 4/9/04	Agree
FA03/01	9/29/03	A Resolution on Changes to the <u>Faculty Organization Plan</u>	Adopted 9/29/03	Approved by Board of Trustees May 2004
04/01	5/7/04	A Resolution on Construction of New Science Facilities as the Top Priority Among New Academic Structures	Adopted 5/7/04	This recommendation is fully understood and it is our aim to address it as briskly as circumstances and contingent resources permit; Administration concurs that making the improvement of science facilities for teaching and research a priority at the University is sound.
04/02	5/7/04	A Resolution on Research Priorities at The George Washington University	Adopted 5/7/04	Acknowledged as a recommendation

# RESOLUTIONS 2003-04 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
03/01	5/9/03	A Resolution on the Alternative Academic Calendar	Adopted 5/9/03	
03/2	5/9/03	A Resolution on the Establishment of a "School of Public Policy and Public Administration" Within the Columbian College of Arts & Sciences	Adopted 5/9/03	
03/3	9/12/03	A Resolution for University Financial Support of Faculty Members to Attend Conferences and Meetings and to Receive Stipends for Purchase of Material in Support of their Research	Referred to a Joint Subcommittee of the Research Committee and the Faculty Development and Support Committee	
03/4	10/31/03	A Resolution on the Proposals for an Alternative Academic Calendar	Adopted 10/31/03	
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03/6	1/16/04	A Resolution to Recommend the Establishment of an Election as of Right by Tenure Track Faculty Who Become New Parents During the Probationary Period	Adopted as amended, 1/16/04 Forwarded to S. Bonthuis for the Board of Trustees	



# RESOLUTIONS 2003-04 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
03/7	2/13/04	A Resolution to Amend the Policy on Conflicts of Interest and Commitment	Adopted 2/13/04	
03/8	3/12/04	A Resolution to Amend the Policy on Scientific Misconduct	Adopted as amended 3/12/04	
03/9	4/9/04	A Resolution on Scholarly Communication and Library Serials Acquisitions	Adopted 4/9/04	
03/10	4/9/04	A Resolution on the Roles of Faculty Members, School-Wide Personnel Committees, and Administration Officials in Tenure and Promotion Cases	Adopted 4/9/04	
03/11	4/9/04	Resolution of Appreciation (Lilien F. Robinson)	Adopted 4/9/04	

# RESOLUTIONS 2003-04 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
03/1	5/9/03	A Resolution on the Alternative Academic Calendar	Adopted 5/9/03	
03/2	5/9/03	A Resolution on Establishment of a "School of Public Policy and Public Administration" within the Columbian College of Arts & Sciences	Adopted 5/9/03	
03/3	9/12/03	A Resolution For University Financial Support of Faculty Members to Attend Conferences and Meetings and to Receive Stipends for Purchase of Materials in Support of their Research (03/3)	Referred to joint subcomm of Research + FD+S	
03/4	10/31/03	A Resolution on the Proposals for an Alternative Academic Calendar	Adopted 10/31/03	

A RESOLUTION ON THE ALTERNATIVE ACADEMIC CALENDAR (03/1)

WHEREAS, President Trachtenberg has requested consideration of an alternative academic calendar; and

WHEREAS, an appointed joint committee, responding to the charge from the administration, will be providing analyses but not recommendations; and

WHEREAS, in accordance with the Faculty Organization Plan, Article 3, Section 1 [4] and the Faculty Code, Section IX. A., the faculty participates in the formulation of policy and planning decisions; and

WHEREAS, the Faculty Senate has the responsibility of making recommendations to the administration and through the President to the Board of Trustees on matters pertaining to academic concerns as they may affect more than one school or college; and

WHEREAS, it has been established practice that recommendations for changes to the academic calendar are made by the Faculty Senate; and

WHEREAS, President Trachtenberg has indicated that he would welcome the Faculty Senate's advice and recommendations on any proposal to change the academic calendar  
NOW, THEREFORE,

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That no action on an alternative academic calendar be taken until the Faculty Senate has had an opportunity to consider available data and provide its recommendations on the alternative academic calendar to the administration.

Executive Committee of the Faculty Senate  
April 25, 2003

Adopted May 9, 2003

**A RESOLUTION ON ESTABLISHMENT OF A "SCHOOL OF PUBLIC POLICY AND PUBLIC ADMINISTRATION" WITHIN THE COLUMBIAN COLLEGE OF ARTS AND SCIENCES (03/2)**

WHEREAS, a Task Force established by the Executive Vice President for Academic Affairs has recommended, and the EVPAA has agreed, "that a new school should be created within CCAS devoted to public policy and administration"; and

WHEREAS, since the Faculty Senate is entitled under the Faculty Code to make a recommendation on "proposals concerning the creation... of schools or other major components of the University", the Executive Committee of the Faculty Senate has charged the Joint Subcommittee now proposing this Resolution with recommending a course of action to the Faculty Senate; and

WHEREAS, in Resolution 96/14 the Faculty Senate recommended, in pertinent part, "that in the future the designation 'School' be applied only to educational units satisfying the conditions of independence specified in the structure of the University"; and

WHEREAS, the Joint Subcommittee, having consulted broadly with the parties to be affected by creation of this 'School', as set out in our Interim Report to the Senate on March 11, 2003, has identified a number of considerations supporting this proposal that argue in favor of recommending an exception to the above policy, including (a) the cross-disciplinary nature of the curriculum and research, (b) the administrative simplification to be achieved in managing the activities of faculty most of whose home departments are already in CCAS, (c) the fact that many of the educational units competing with our prog-rams in public policy/administration are themselves organized as schools subordinate to other schools, thereby lessening the likelihood that students will be misled materially by the designation of what is in effect a large department as a school, (d) the fact that Arts & Sciences has now designated itself a college rather than a school, thus minimizing many of the confusions accompanying a "school within a school", and (e) the fact that a fully independent School of Public Policy and Public Administration is not a financially viable alternative at the present time, NOW, THEREFORE,

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:**

That the Faculty Senate concurs in the proposal to establish a "School of Public Policy and Public Administration" within the Columbian College of Arts and Sciences, as a justifiable exception to the policy recommended in Resolution 96/14.

The Joint Subcommittee:

Paul Duff, Chair, Educational Policy Committee; W. B.Griffith, Chair, Fiscal Planning and Budgeting Committee; Gregory Maggs, Chair, Professional Ethics and Academic Freedom Committee; Professors J. Friedenthal (Law) and S. McGraw (SMHS)

May 9, 2003

Adopted May 9, 2003

Proposal for New School of Public Policy and Public Administration  
Chronological History

Summer, 2000: VPAA Don Lehman calls and hosts a meeting of faculty with public policy programmatic interests from across the university to consider a proposal for creating a new stand alone school of Public Policy and Media. There is little support.

Fall, 2000: VPAA asks Hal Wolman, newly hired Director of GWIPP and of the MPP program, to prepare a "White Paper" setting forth possible scenarios for the public policy and public administration programs.

Spring, 2001: White Paper is shared with Kathy Newcomer, Chair of the Public Administration Department, Joe Cordes, Director of the Public Policy, Ph.D. Program, and Jean Folkerts, Interim Dean of CCAS. Discussions begin.

Fall-Winter, 2001: VPAA Lehman sets up a task force, chaired by Carol Sigelman (without vote), to consider alternative proposals for restructuring public policy and public administration. Task force members consist of Wolman, Newcomer, and Cordes, plus three additional faculty members from PAd and three from CCAS.

Winter, 2002: After three months of considering various alternatives and narrowing down to three for more intensive consideration (a separate stand-alone school; an "enhanced" status quo; and a new school within CCAS), the Task Force submits it's report to VPAA Lehman. The report recommends a new School of Public Policy and Public Service or School of Public Service and Public Policy within CCAS.

Spring, 2002: VPAA Lehman accepts the main recommendations of the Task Force Report with the understanding that after X years of experience, the issue of whether the new School should continue as a part of CCAS or become a separate stand-alone school be revisited by the faculty.

Spring-Fall, 2002: The Public Administration Department discusses the implications of leaving SBPM and moving into the new School within CCAS. In the Fall, 2002 they vote unanimously to do so.

Summer, 2002- VPAA Lehman appoints a core group of Hal Wolman, Kathy Newcomer, and Joe Cordes to oversee the development of a plan for bringing the new school into existence, bringing others into the process for specific components as necessary.

Spring, 2002: MPP Executive Committee discusses and approves MPP curriculum revisions that would occur if the new school is approved.

**School of Public Policy and Public Administration**  
**Columbian College of Arts and Science**  
**History and Organization**  
April 15, 2003

*Summary*

After two years of discussion among themselves and with the Administration, the Public Policy Programs (the Ph.D. program, currently in CCAS and the MPP program, split between CCAS and SBPM) and the Department of Public Administration have proposed the creation of a new School of Public Policy and Administration (SPP&PA) within CCAS. The faculty of the Public Administration department and the MPA program, along with the budget that supported it, will thus move from SBPM to CCAS. The new School will have a non-departmentalized faculty that will consist of the current members of the PAd and faculty members who have been associated with the Public Policy program. Tenure and budget lines for the latter will remain, however, in their current units. The Master of Public Policy (MPP), Master of Public Administration, and Ph.D. in Public Policy and Administration will remain as distinct programs. Each of these will have a "program faculty," but members of the School faculty may serve on more than one program faculty. The Master of Arts in Telecommunication, at its request, will also be a part of the new School. Discussions are ongoing with the M.A. in Public Policy with a concentration in Women's Studies concerning their possible participation. The School will be headed by a Director who reports to the Dean of CCAS. The School will also house the George Washington Institute of Public Policy (GWIPP) and The Center for Washington Area Studies.

*Rationale*

Given its location in the heart of Washington, DC, the overall quality of the university, and its existing faculty resources and programs in the area of public affairs, GW has the potential to be a national leader in the area of public affairs education and research. However, GW's efforts currently lack visibility and focus. At present GW's public policy and administration programs are scattered: The Ph.D. in Public Policy is in CCAS, the MPP is divided into two areas, with students choosing Policy Analysis and Research receiving their degree from CCAS and students choosing Public/Private Policy and Management receiving their degree from SBPM, and the Public Administration department and the MPA program are located in SBPM. The George Washington Institute of Public Policy (GWIPP) nominally houses the public policy academic programs and serves a university wide policy research function; the Director of GWIPP, who is also currently the Director of the MPP academic program, reports directly to the Vice-President for Academic Affairs. The creation of a School within CCAS would provide that visibility and place GW on an equal footing with our competitors, nearly all of whom deliver their programs through distinct and visible schools or Institutes of Public Affairs, Public Policy, and/or Public Administration, many of which (e.g., Georgetown, Duke, the University of Wisconsin, and Ohio State) are located within Colleges of Arts and Science. Creation of the School of Public Policy and Public Administration will also focus and integrate our efforts by placing faculty engaged in

the recommendation of the faculty and will report to the Dean of CCAS. Its faculty, which will be a non-departmentalized school-wide faculty, will consist of

1. PROGRAM FACULTY:

- a. Full-time, active status faculty budgeted within the school (at present, the current PAd faculty);
- b. Full-time, active status faculty who regularly teach core courses in the MPP, MPA or PhD programs or other degree programs offered by the school;
- c. Fifty-fifty hires made between public policy and other academic units;
- d. Full-time, active status faculty appointed to serve as field advisors in the PhD program; and
- e. Other faculty voted to become program faculty by the program faculty.

2. ASSOCIATE FACULTY:

- a. Research faculty associated with the school;
- b. Faculty in other schools who participate in policy education and research and desire to be associated with the school; and
- c. Visiting and adjunct faculty.

Except for the transfer of tenure and budget lines from SBPM to CCAS for current PAd faculty, there will be no transfer of tenure or budget lines for other faculty of the School. Only faculty with appointments in CCAS departments will be eligible to vote on director selection and personnel matters.

There will be four academic programs within the School, each with a separate program faculty and a program head (appointed by the Director upon a recommendation of the faculty of the program). Faculty can be members of more than one program. The programs within SPP&PA at inception will be the Master of Public Administration, the Master of Public Policy, the Master of Arts in Telecommunication, and the Ph.D. in Public Policy and Administration. Other programs may decide to seek to be a part of the School, and they will be accepted by the Director upon the vote of the faculty.

The George Washington Institute of Public Policy (GWIPP) will become a research institute and will no longer be responsible for academic programs. GWIPP will be housed in SPP&PA, but will serve a university wide function. Its Director will be appointed by the VPAA and report to him. Because the purpose of GWIPP is to support policy research throughout the University, it will have a separate budget that will not have its source in CCAS funds.

Currently, the Center for Washington Area Studies shares resources and space with the Ph.D. Program in Public Policy. This arrangement will continue in that SPP&PA will also house the Center for Washington Area Studies (CWAS), which will continue to maintain a separate budget and identity.



**A RESOLUTION FOR UNIVERSITY FINANCIAL SUPPORT OF FACULTY MEMBERS  
TO ATTEND CONFERENCES AND MEETINGS AND TO RECEIVE STIPENDS FOR  
PURCHASE OF MATERIALS IN SUPPORT OF THEIR RESEARCH (03/3)**

**WHEREAS,** the faculty members of The George Washington University wish to enhance their academic skills by attending academic conferences and meetings and purchasing books, computer software, and other items that relate directly to their specific fields of study; and

**WHEREAS,** such attendance at conferences and meetings and the purchase of materials will strengthen the research capabilities of the faculty members and thus lead to the enhanced prestige of the university; and

**WHEREAS,** the level of support at The George Washington University for attendance at conferences and meetings differs among schools and departments and support for other related expenses is generally unavailable; and

**WHEREAS,** a survey of the level of support at other comparable universities indicates that the current level of financial support at The George Washington University for attendance at such conferences and meetings as well as for the purchase of materials is at best equal to and often less than at such other universities; and

**WHEREAS,** the level of financial support of faculty members at The George Washington University is below an amount necessary to provide for the research needs of its faculty members; and

**WHEREAS,** the University has announced the existence of a fiscal crisis that threatens the current amount of support provided, **NOW, THEREFORE,**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON  
UNIVERSITY AS FOLLOWS:**

1. That despite the current fiscal difficulties of the University, the University and its various schools and departments maintain the current level of financial support for its faculty members who have sound reasons to attend conferences and meetings, and to purchase necessary books, software, and other materials; and
2. Once the University's immediate financial difficulties have been overcome, the University provide an annual travel stipend, in the sum of at least \$1000, to each faculty member who applies for such a stipend, for the purpose of attending conferences and meetings that relate directly to and enhance the faculty member's research activities or the prestige of the University; and, further,



3. The University plan for an enhanced annual stipend to include money for books, software, and other expenses that relate directly to and enhance a faculty member's research activities.

Committee on Faculty Development and Support  
May, 2003

This Resolution is the result of a two-year study and analysis by the members of the Committee on Faculty Development and Support.

The 2001-2002 Committee, that initiated the topic and the study, included the following members:

Ginger Smith, Chair, College of Professional Studies and SBPM  
Prabir Bagchi, Business Administration  
Natalie Frank, Psychology  
Angelica King, Business and Public Management  
Amy Mazur, Education

The 2002-2003 Committee, that expanded the study and prepared the Committee report, included the following:

Jack Friedenthal, Chair, Law  
Charis Kubrin, Sociology  
Amy Mazur, Education  
Steve McGraw, Health Care Sciences  
Christopher Snyder, Economics  
Lynda West, Education

Referred to the Senate Standing Committee on Research with recommendation that a joint subcommittee be formed between it and the Faculty Development and Support Committee to refine language of the resolution.

See Professor Wilmarth's comments.

**A RESOLUTION ON THE PROPOSALS FOR AN  
ALTERNATIVE ACADEMIC CALENDAR (03/4)**

**WHEREAS**, the University administration has requested a faculty response to the Report of the Study Group on An Alternative Academic Calendar at The George Washington University ("the Report"); and

**WHEREAS**, the response of the Faculty Senate is informed by the opinions of collective and individual faculty throughout the University; and

**WHEREAS**, The Faculty Senate believes that the proposed mandatory summer term would hinder the University's strategic objective to recruit and retain high quality undergraduates; and

**WHEREAS**, the ten-week instructional period of the proposed mandatory summer term would have the effect of mandating that courses which are not necessarily suited to a 10-week compression be taught in 10 weeks nevertheless, requiring faculty and students to rush academic delivery, coverage, and learning of material; and

**WHEREAS**, the proposed mandatory summer term would place a significant economic and logistical burden on the faculty and on the administration of departments, programs, and schools; and

**WHEREAS**, the Report's proposals appear inconsistent with the requirement by the U.S. Department of Education's 30-week residency requirement for juniors receiving financial aid and the Department of State's requirements for foreign student visas; and

**WHEREAS**, the Report does not speak to the important corollary issues involving the impact of these options upon graduate education, upon both faculty and student research, upon faculty governance, and upon service; and

**WHEREAS**, the Faculty Senate views the proposed increase to four credit hour courses without a commensurate increase in contact time as inconsistent with the educational mission of the University; and

**WHEREAS**, adoption of the proposed "4x4" alternative would greatly diminish the opportunities for breadth and number of required and elective courses students can take; and

**WHEREAS**, the Report lacks any sort of Business Plan upon which the economic viability of the proposals could be discussed and evaluated; and

**WHEREAS**, the Report summarily dismisses potentially viable economic alternatives which would be far more consistent with the academic mission of the University than those alternatives upon which the Report focuses; and

WHEREAS, the four-credit course proposals addressed in the Report would be inconsistent with some state-mandated requirements for some schools, and the impact of the proposals addressed in the Report on other accrediting agencies is presently unknown and would require much further investigation; NOW, THEREFORE,

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY**

- (1) That the specific proposals contained in the Report are not in the best academic interests of the University; and
- (2) That these particular proposals do not carry the endorsement of the Faculty and must not be implemented; and
- (3) That no steps be taken to establish an implementation committee or commence implementation; and
- (4) That the Faculty stands ready and willing to develop with the administration other alternatives which meet specifically identified University needs while maintaining academic integrity; and
- (5) That any summer program remain voluntary for students and faculty; and
- (6) That in conformity with the faculty's Faculty Code mandated responsibilities, any further discussion of the topics of alternative academic calendar and/or summer session restructuring fully involve the Faculty, through its Faculty Senate Representatives, so as to remove the severe academic limitations and ambiguities of the set of proposals in the Report.

Educational Policy Committee  
October 16, 2003

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Adopted October 31, 2003

A Resolution to Amend the Code of Academic Integrity (03/5)

WHEREAS, the Code of Academic Integrity was adopted to promote academic integrity among the students, faculty, librarians and administration of The George Washington University; and

WHEREAS, the Code specifically addresses "Falsification and forgery of University academic documents" (Article II, Section 1, Paragraph b, Subparagraph 4) by students of the University; and

WHEREAS, such falsification and forgery of a University document prior to an individual's matriculating in a course of study at the University may be, and has been, challenged as falling under the jurisdiction of the Code of Academic Integrity; and

WHEREAS, both the paper and electronic applications for admission to the University require the applicant to acknowledge that all of the information provided on the application is "factually correct and honestly presented;" and

WHEREAS, it is expressly stated in the University Bulletin that "If a student knowingly makes a false statement or conceals material information on an application for admission or any other University document, the student's registration may be canceled. If such falsification is discovered after the student has matriculated at the University, the student may be subject to dismissal from the University" (Undergraduate Bulletin, 2002-2003, p. 49; Graduate Bulletin, 2002-2003, p. 36); and

WHEREAS, the University does exercise its right to dismiss students who have made false statements or have concealed material information on their applications for admission from the University; NOW, THEREFORE,

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the phrase "the application for admission" be deleted from Article II, Section 1, Paragraph b, Subparagraph 4, of the Code of Academic Integrity.

Joint Committee of Faculty and Students  
September 19, 2003

Adopted November 14, 2003

**A RESOLUTION TO RECOMMEND THE ESTABLISHMENT OF AN ELECTION AS  
OF RIGHT BY TENURE TRACK FACULTY WHO BECOME NEW PARENTS  
DURING THE PROBATIONARY PERIOD (03/6)**

**WHEREAS,** it is the goal of the University to make clear to existing and future faculty members its firm commitment to academic excellence and policies supportive of the family life of its faculty; and

**WHEREAS,** many faculty members wish to start or enlarge families during the probationary period; and

**WHEREAS,** faculty members may find that becoming a parent for the first time or enlarging their families during the probationary period creates distractions that undermine their ability to teach, research, and write at their highest level; and

**WHEREAS,** it is the goal of the University, its Schools, and Departments to provide conditions that enable faculty members to attain a very high level of professional achievement prior to receiving tenure; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY**

- (1) That a one-year extension of the probationary period shall be granted to requesting faculty who become parents of a newborn or adopted child during the probationary period; and
- (2) That this extension be available to any such faculty member, male or female, as of right for a period of twelve months after becoming a new parent, if elected on or before September 10 of the academic year in which the faculty member would be considered for tenure were it not for this extension; and
- (3) That such tenure clock extension may be elected regardless of whether the faculty member takes a full or partial leave in connection with becoming a new parent; and
- (4) That a faculty member who becomes a new parent a second time during the probationary period may request a second tenure clock extension, which request shall be considered by and granted or denied at the discretion of the Vice President for Academic Affairs.

- (5) That Section A.3.1 of Article IV ("Appointment, Reappointment, Tenure, and Promotion") of the Faculty Code be amended as follows:
- a. Insert new sub-section "b.3" to read, "A one-year extension of the probationary period shall be granted to requesting faculty who become new parents and apply within twelve months of becoming new parents by submitting a request to the relevant academic officers setting forth his or her reason for requesting the extension. "New parents" for purposes of this provision are faculty members who become parents of a newborn or adopted child. The tenure clock extension may be elected regardless of whether the faculty member takes a full or partial leave in connection with becoming a new parent. However, no such request shall be granted if made after September 10 of the academic year in which the tenure decision would have been made by the department or school absent the extension requested. If a faculty member becomes a new parent a second time during the probationary period, a second tenure clock extension may be granted at the discretion of the Vice President for Academic Affairs, after consultation with the appropriate department chair (if applicable) and dean. Other requests for tenure clock extensions for family related purposes may be granted at the discretion of the Vice President for Academic Affairs, after consultation with the appropriate department chair (if applicable) and dean.
  - b. Change existing sub-section "b.3" to "b.4."

Senate Committee on Appointment, Salary, and Promotion Policies (ASPP)  
Committee on Professional Ethics and Academic Freedom (PEAF)

December 11, 2003

Adopted, as amended, January 16, 2004

**A RESOLUTION TO AMEND THE POLICY ON CONFLICTS OF INTEREST  
AND COMMITMENT (03/7)**

WHEREAS, federal requirements regarding conflicts of interest pertaining to federal research were first addressed by The George Washington University Policy on Conflict of Interest in Federally Funded Research (1995); and

WHEREAS, that policy was superseded by the Policy on Conflicts of Interest and Commitment (1998), whose scope included not only research conflicts of interest but other conflicts of interest and commitment and whose content, while designed to be responsive to federal research regulations, did not provide detailed information about federal regulations regarding conflicts of interest involving federally-funded research; and

WHEREAS, a Proactive Site Visit by an NIH team in August, 2003, designed to provide feedback on GW's compliance with Public Health Service (PHS) regulations revealed gaps and deficiencies in the current Policy on Conflicts of Interest and Commitment and processes surrounding it, and, most notably, indicated that the policy should be revised to clarify the meaning of "investigator" so that it includes more than faculty serving in principal investigator roles; state reporting requirements regarding conflicts of interest or problems arising from them; indicate that any subcontractors must be in compliance with our policy or their own institution's policy; state that records will be maintained for at least three years; and inform investigators, within the policy itself, of relevant federal regulation; and

WHEREAS, the University is also obligated to comply with National Science Foundation regulations in this area, and its investigators can benefit from awareness of other requirements and informational resources regarding conflict of interest; NOW,  
THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That the Faculty Senate supports the proposed amendments to the Policy on Conflicts of Interest and Commitment to bring it into compliance with relevant federal regulations regarding conflict of interest in research.

Faculty Senate Committee on Research  
January 9, 2004

Adopted, February 13, 2004

# POLICY ON CONFLICTS OF INTEREST AND COMMITMENT FOR FACULTY AND INVESTIGATORS

The George Washington University

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## Disclosure Forms

### I. GENERAL STATEMENT

#### A. Purpose and scope of policy.

This Policy is designed to assist *faculty and the University* in the identification of potential and actual conflicts of interest and to support compliance with applicable government regulations. For purposes solely of this Policy, the terms "Faculty" and "Faculty Member" *mean those individuals are* (1) as defined in the Faculty Code, pages 2 1 and 3 2, section I, subsection B. items 1, 3, and 4, and *also the term Investigator refers to* (2) any other person responsible for the design, conduct or reporting of externally sponsored University research, *including without limitation Research Scientists and Senior Research Scientists.*

#### AB. Underlying principles.

The Faculty Code states, "faculty shall have a primary responsibility of devoting their time, thought, and energy to service of the University." Of no less importance is a ~~F~~faculty ~~M~~member's responsibility to further his or her own professional development and the goals of his or her professional discipline. Normally a ~~F~~faculty ~~m~~Member's participation in activities of governmental, industrial, and professional institutions is consistent with academic interests of the University and the ~~F~~faculty ~~m~~Member.

Conflicts of interest may occur when there is a divergence between a ~~F~~faculty ~~M~~member's private interests and professional service to the University. Conflicts of interest differ in nature and degree. The goal of any institution cannot be to eliminate all conflicts of interest. Rather it should be to establish boundaries within which conflicts of interest are tolerable and beyond which they are intolerable; processes for review of actual and apparent conflicts of interest; and appropriate mechanisms for management of tolerable conflicts of interest.

Faculty activities shall be conducted in a manner that avoids inappropriate conflicts of interest. As specifically described in Sections II and III, conflicts of interest may require review and oversight when:

1. the University is deprived of appropriate (compensated) time and effort of the ~~F~~faculty ~~M~~member due to external commitments (for example, when a ~~F~~faculty ~~m~~Member exceeds the limitations of the "one-day-a-week" rule set forth in Section II.B.; or accepts obligations that may frequently conflict with scheduled classes or other academic responsibilities);
2. substantial use is made of human and material resources of the University for non-University purposes (for example, when a ~~F~~faculty ~~m~~Member inappropriately uses University equipment, supplies, personnel, and other facilities and resources for activities that yield financial benefit to the ~~F~~faculty ~~M~~member or a third party; or receives outside financial incentives that distort



scholarly activity or the shaping of academic goals; or facilitates the erroneous impression that the University endorses or is connected to an outside activity);

3. the Faculty Member's extra-University financial involvements affect, or reasonably appear to have a significant potential to affect, his or her academic responsibilities, or compromise basic scholarly activity or freedom of action (for example, when a Faculty Member hires a family member; or enters into an agreement to limit or delay the free publication, or access to the results, of sponsored research, other than according to normal University practice (as in the case of patents); or has a reportable interest in a transaction described in Section III.B.); or
4. the University is deprived of appropriate potential financial gain (for example, when a Faculty Member inappropriately seeks to obtain research support in a manner that substantially undermines responsibilities of the Office of Sponsored Research; or has an outside commitment that provides an individual or organization, other than the University, intellectual or tangible property rights, such as patent ownership or license rights, that ought to accrue to the University).

#### BC. Nature of policy.

Because precise boundaries are difficult to establish without reference to specific facts, it is prudent to establish a flexible, not formulaic, approach based on principles of fairness and trust. Fairness is advanced by policies firm enough to provide clear guidance and consistency, yet sufficiently flexible to accommodate diversity of discipline and unique circumstance. Trust is advanced by appropriate disclosure and discussion. In light of these principles, this Policy has two essential elements: (1) Faculty are provided a mechanism to report and seek guidance concerning significant actual, potential, and apparent conflicts of interest, thus to ensure appropriate disclosure and that the interests of the Faculty Member and the University are well served. To promote fairness, all Faculty are required to report, as set forth in this Policy. (2) Each school shall administer in accordance with this Policy: a procedure for annual Faculty disclosure of reportable actual, potential, and apparent conflicts of interest; disclosure by Faculty of information pertinent to such conflicts; and a procedure for review and resolution of any lack of agreement arising from disclosure of such conflicts.

#### CD. Obligation of University.

In its promotion and administration of research and otherwise, the University shall be sensitive to prospective conflicts of interest involving Faculty and Investigators, including, for example, with respect to (1) the independence of Faculty and Investigators to determine subjects of research and scholarship and (2) enabling Faculty and Investigators to report accurately their time and effort.

D. "Faculty" defined.

For purposes solely of this Policy, the terms "faculty" and "faculty member" are (1) as defined in the Faculty Code, pages 2 and 3 section I, subsection B items 1, 3, and 4, and also refer to (2) any other person responsible for the design, conduct or reporting of externally sponsored University research.

## II. CONSULTING, OTHER PROFESSIONAL ACTIVITIES, AND RESEARCH SUPPORT FROM OUTSIDE ENTITIES

### A. The merit of external involvements.

Increasingly, industry and government rely on university faculties for advice. Such practical contributions from higher education institutions to the nonacademic world have provided many Faculty Members the opportunity to use their knowledge and talents constructively, to strengthen their competence through a greater variety of professional experiences, to enhance the Faculty Member's and the University's scholarly reputation, and to serve the public interest.

### B. "One-day-a-week" rule.

A full-time ~~Faculty Member~~ may spend the equivalent of up to one working day a week during the academic year on outside consulting and other professional activities, provided such commitments do not interfere with University obligations. Payments for such activities are negotiated by the ~~Faculty Member~~ directly and do not involve the University. This privilege is not extended to research ~~Faculty Members~~ paid wholly from research grants or contracts. ~~full-time physician Faculty members in the Medical Center who are participants in Medical Faculty Associates~~, or other physician ~~Faculty members~~ whose University contracts preclude such activities.

C. Administration of the rule.

The department chair (or, where applicable, head of other pertinent academic unit) and the dean are responsible for ensuring compliance with this Policy and that no ~~Faculty Member~~ abuses this privilege. In particular, ~~Faculty~~ involved in private income-producing activities shall not, absent prior written approval by the Executive Vice President for Academic Affairs ("Executive Vice President"), for such purposes substantially utilize University space or resources or the services of secretaries or other University staff, provided that this Policy does not prohibit incidental use of personal office space, local telephone, library resources, and personal computer equipment.

D. Need for written sponsored-research agreements.

Before the University enters into any arrangement in which an entity outside the University provides support for research, a clearly stated written agreement should be negotiated that sets forth the ~~Faculty Member's~~, the ~~Investigator's~~, the University's, and the external entity's expectations. Funding amounts and other financial arrangements, realistic timetables for mutually agreed objectives, and intellectual property agreements should be in writing before work begins. If the research project involves or may potentially involve a product or service with commercial potential, that prospect must be made known to all parties in advance.

III. REPORTABLE INTERESTS

A. Reportable interests (i.e., "significant financial interests") defined.

This Section III and the disclosure requirements contained in Section IV apply only to transactions and relationships, described in Section III.B, that involve a ~~Faculty Member~~,<sup>1</sup> Investigator or immediate family member, the University, and an outside entity. For purposes of this Policy:

- ~~"Immediate family member"~~ means spouse and dependent children, ~~and~~
- ~~"Significant financial interest"~~ means (1) any stock, stock option, or similar ownership interest in the outside entity by the ~~Faculty Member~~ or Investigator that, alone or together with interests of immediate family members, is valued at least at the lesser of \$10,000 or five percent of the total ownership interests in the outside entity, excluding any interest arising solely by reason of investment by a mutual, pension, or other institutional investment fund over which neither the ~~Faculty Member~~, Investigator nor an immediate family member exercises control; or (2) receipt, individually or collectively by a ~~Faculty Member~~, Investigator and immediate family members, of, or the right or expectation to receive, income, whether in the form of a fee (e.g., consulting), salary, allowance, forbearance, forgiveness, interest in real or personal property,

<sup>1</sup> Principal investigators should take the lead in identifying those individuals in their organizations who are "responsible for the design, conduct or reporting" of externally sponsored University research and therefore are Investigators potentially subject to conflict of interest disclosure requirements. Such individuals may not be limited to the PI and/or co-PI, but could include, depending on the circumstances, persons such as technicians, other staff members and unpaid lab workers.

dividend, royalty derived from the licensing of technology or other processes or products, rent, capital gain, real or personal property, or any other form of compensation, or any combination thereof, that over the last 12 months exceeded or over the next 12 months is expected to exceed \$10,000 in income of all types; or (3) that the Faculty Member, Investigator or immediate family member provides services as a principal investigator for, or holds a management position in, an outside entity.<sup>2</sup>

B. Transactions covered.

Before the University enters into any of the following arrangements, and annually thereafter, a Faculty Member or Investigator described in paragraphs 1-5 below must submit to the school dean a written disclosure of any current or pending relationship of such Faculty Member, Investigator or immediate family member with the outside entity, the relationship of the proposed University activity to the entity, and, if desired, means by which the Faculty Member or Investigator will ensure separation of management of his or her University role in relation to from the Faculty Member's, Investigator's or immediate family member's role or interest in the entity:

1. Gifts to the University of cash or property that will be under the control, or will directly support the teaching or research activities, of a Faculty Member or Investigator from an outside entity in which the Faculty Member, Investigator or immediate family member has a significant financial interest;
2. Sponsored-project proposals as to which the involved Faculty Member, Investigator or immediate family member has a significant financial interest in the proposed sponsor or in a proposed subcontractor, vendor or collaborator;
3. University technology-licensing arrangements with an outside entity in which the Faculty Member, Investigator or immediate family member has a significant financial interest;
4. Procurement of materials or services from an outside entity in which the Faculty Member, Investigator or immediate family member has a significant financial interest, if the Faculty Member or Investigator is personally involved in or has the ability to influence the formation or implementation of the procurement transaction; and
5. Submission to an external sponsor of an application for funding of University research in the design, conduct or reporting of which a Faculty Member or Investigator plans to participate that would reasonably appear to affect the Faculty Member's, Investigator's or immediate family member's interest in an outside entity or would reasonably appear to affect the entity's financial interests.

A Faculty Member or Investigator who seeks funding from or who works on a project funded by an external sponsor must comply with that sponsor's additional requirements, if any, related to disclosure, management, and avoidance of conflicts of interest.

C. Ongoing and elective disclosures.

<sup>2</sup> "Significant financial interest" does not include: (1) salary, royalties or other remuneration from the University; (2) income from seminars, lectures or teaching engagements sponsored by public or non-profit entities; or (3) income from service on advisory committees or review panels for public or non-profit entities.

In addition to disclosures required under Section III.B., Faculty members and Investigators shall disclose to the department chair (or, where applicable, head of other pertinent academic unit) or dean on an ad hoc basis current or prospective situations that are likely to raise questions of reportable conflict of interest under this Policy, including any new reportable significant financial interests, as soon as such situations become known to the Faculty Member or Investigator. In addition, a Faculty Member or Investigator may elect to disclose voluntarily other financial benefit to the Faculty Member, Investigator or immediate family member, related to an existing or contemplated relationship between the University and an outside entity with which the Faculty Member, Investigator or immediate family member is or expects to be involved, if the Faculty Member or Investigator deems it desirable to seek review in accordance with the procedures specified in Section IV.

**D. Additional reporting procedures for research.**

Under Public Health Service and National Science Foundation rules and regulations,<sup>3</sup> a Faculty Member or Investigator utilizing or seeking PHS or NSF funding has a potential conflict of interest if the Faculty Member, Investigator or his/her immediate family member has a "significant financial interest" (as defined in paragraph III.A, above) that could directly and significantly affect the design, conduct or reporting of the PHS- or NSF-funded research.<sup>4</sup> The University is required to report to PHS, prior to the expenditure of any funds under a PHS award, the existence (but not the nature) of any conflict and to assure PHS that the conflict has been managed, reduced or eliminated. For conflicting interests identified subsequent to the University's initial report under a PHS award, the University is obligated to report the conflict and manage, reduce or eliminate it, at least on an interim basis, within 60 days of its identification. NSF also requires the University to report any conflict the University is unable to manage satisfactorily. As part of the NSF grant proposal process, the University additionally must certify that actual or potential conflicts were, or prior to funding will be, managed, reduced, or eliminated, or disclosed to NSF.

In order to manage conflicts of interest, the University may impose conditions or restrictions on itself, on the design and conduct of research, and on Faculty Members and Investigators, such as requiring:

- 1) public disclosure of significant financial interests;
- 2) monitoring of research by independent reviewers;
- 3) modification of the research plan;
- 4) disqualification from participation in all or part of the funded research;
- 5) divestiture of the significant financial interest; and/or
- 6) severance of relationships that create actual, potential or reasonably apparent conflicts of interest.

<sup>3</sup> PHS 42 CFR Part 50, Subpart F, "Responsibility of Applicants for Promoting Objectivity in Research for Which PHS Funding is Sought." PHS excludes Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Program Phase I applications from the regulation. NSF conflict of interest rules are incorporated into the NSF Grant Policy Manual, Ch. V, Sec. 510, "Conflict of Interest Policies." NSF Grant General Conditions and NSF Grant Proposal Guide. Faculty members also should be aware of Food and Drug Administration (FDA) regulations (21 CFR 54) regarding conflicts of interest, which apply to any applicant who submits a marketing application for a human drug, biological product or device, and who submits clinical studies covered by the regulation. The regulations require the disclosure of conflicts or a certification that no financial conflicts exist. See Section V of this Policy for a list of resources providing information on financial conflicts of interest.

<sup>4</sup> PHS defines "research" as: "A systemic investigation designed to develop or contribute to generalized knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research and product development. As used in 42 CFR Part 50, Subpart F, the term includes any such activity for which research funding is available from a PHS Awarding Component through a grant or cooperative agreement, whether authorized under the PHS Act or other statutory authority."

If a Faculty Member or Investigator fails to comply with this Policy and, as a result, has biased the design, conduct or reporting of PHS-funded research, the University will promptly notify PHS of the corrective action taken or to be taken. Furthermore, in any case where a PHS-funded project of clinical research evaluating the safety or effectiveness of a drug, medical device or treatment has been designed, conducted or reported by a Faculty Member or Investigator with a conflicting interest that was not disclosed or managed as required by this Policy, the University will require the Faculty Member or Investigator to disclose the conflicting interest in each public presentation of the results of the research, and the Faculty Member or Investigator shall do so.

In accordance with PHS and NSF requirements, the University will maintain all records of financial disclosures made by Faculty Members and Investigators and actions taken by the University with respect to conflicts of interest for at least three years from the termination or completion of the relevant grant, and will make such records available in appropriate circumstances for inspection and review upon request by those agencies.

Furthermore, pursuant to PHS requirements, all subgrantees, contractors and collaborators on PHS-funded research at the University must either comply with this Policy or provide assurances to the University that enable the University to satisfy PHS regulations.

#### IV. PROCEDURES FOR REVIEW

##### A. Review of disclosure form; management of disclosed conflicts.

1. Faculty ~~M~~Members and Investigators shall supply the annual and ad hoc disclosures required by Section III on the annexed Disclosure Form, for confidential review by the Administration. Each dean shall forward to the ~~Vice President~~Executive Vice President a copy of the ~~F~~faculty and Investigator disclosure forms, any related material submitted by a ~~F~~Faculty ~~M~~member or Investigator, and the dean's recommendation for action.
2. If the dean, with the concurrence of the ~~Vice President~~Executive Vice President, determines that the conduct disclosed is permissible under this Policy, the ~~F~~Faculty ~~M~~member or Investigator shall be so informed in writing. Guidance on types of conduct approved shall be provided the ~~F~~Faculty from time to time, without identifying ~~F~~faculty ~~M~~members or Investigators who received approval.
3. If the dean or the ~~Vice President~~Executive Vice President determines that the conduct may present an actual conflict of interest, or reasonably appears to present a significant potential for such a conflict of interest, within the scope of this Policy, conditions or restrictions to manage or prohibit the conflict, agreeable to the ~~Vice President~~Executive Vice President, may be imposed. Such conditions or restrictions may include, but are not limited to: Public disclosure of significant financial interests; monitoring of research by independent reviewers; modification of the research plan; disqualification from participation in all or part of an externally funded research project; divestiture of significant financial interests; and severance of relationships that create actual or reasonably apparent conflicts of interest.
4. It is not the object of this Policy to discourage outside activities by ~~F~~faculty and Investigators that present no actual or reasonably apparent conflict of interest within the scope of this Policy. Instead, the review process is designed to allow ~~F~~Faculty ~~M~~members and Investigators to undertake permissible activities without concern about later criticism, to provide the University accurate information about those ~~F~~Faculty and Investigator activities, and to be fair to all involved.



B. Procedures for resolving disputes about conflicts.

1. If a dean learns from a ~~F~~faculty ~~M~~member, Investigator ~~or~~ otherwise of conduct the dean believes presents a significant question under this Policy, the dean should discuss the conduct with the ~~F~~faculty ~~M~~member or Investigator; shall relate his or her findings to the ~~Vice President~~Executive Vice President, and subject to the concurrence of the ~~Vice President~~Executive Vice President shall advise the ~~F~~faculty ~~M~~member or Investigator whether the conduct is permissible under this Policy without conditions or restrictions; (b) may be undertaken subject to conditions or restrictions as described in Section IV.A.3 above; (c) or should cease, subject to further review. If the dean or ~~Vice President~~Executive Vice President determines that conditions or restrictions should be imposed, the ~~F~~faculty ~~M~~member or Investigator shall, as the case may be, cease the conduct, accept the conditions or restrictions agreeable to the ~~Vice President~~Executive Vice President, or seek review of the matter by the school's Conflicts Consultation Committee.
2. Any member of the University community ("Complainant") may bring directly to the attention of a school's Committee a probative and not frivolous matter alleged to be reportable under this Policy. A ~~F~~faculty ~~M~~member or Investigator whose activity has been questioned shall be entitled to know the identity of the person or persons bringing such allegations to the Committee and the full extent of the allegations.
3. A school's Conflicts Consultation Committee shall be composed of at least five ~~F~~faculty ~~M~~members of the school, elected, ordinarily annually, by the ~~F~~faculty of the school. The Committee's function shall be to conduct a hearing if necessary, to make written findings about any disputed facts, and to write a reasoned recommendation as to whether the conduct entails a reportable conflict of interest under this Policy and whether the conduct may be undertaken subject to conditions or restrictions.
4. The dean, the ~~Vice President~~Executive Vice President, the Complainant, ~~or~~ the ~~F~~faculty ~~M~~member or the Investigator may consult a member of the Conflicts Consultation Committee informally, with that member's consent, before the matter is referred to it, to discuss whether a given activity would entail a reportable conflict of interest under this Policy and/or what if any conditions or restrictions would be appropriate, but no such informal advice should bind any party to the process described above. The Committee member who has provided such consultation shall not participate in the hearing or decision.
5. The ~~Vice President~~Executive Vice President shall review the Committee's recommendation, confer with the Dean, and render a formal decision.
6. A ~~F~~faculty ~~M~~member or Investigator dissatisfied with the ~~Vice President~~Executive Vice President's decision may appeal it to the University Conflicts Resolution Panel ("Panel"), which shall be composed of five ~~F~~faculty ~~M~~members nominated by the Faculty Senate Executive Committee in consultation with the ~~Vice President~~Executive Vice President and elected by the Faculty Senate. Members of the Panel shall ordinarily serve for staggered three-year terms.
7. The Panel shall be bound by the factual findings of the school Conflicts Consultation Committee unless in the judgment of the Panel the school Committee clearly failed to consider important facts submitted to it. Ordinarily there should be no need for a hearing before the University Panel and no augmenting of the factual record.
8. A member of the Panel from the school from whose Committee the appeal is taken may not participate in the appeal. No informal or other ex parte communication with members

of the Panel shall be permitted as to a matter that has been or may be brought before the Panel.

9. The Panel shall render its report to the affected ~~f~~Faculty Member or Investigator, the dean, and the Executive Vice President. The conclusion of the Panel shall be forwarded to the Administration for final disposition.

10. To the extent that conduct of ~~f~~Faculty or Investigators who are identified in Section I.D.1. is ultimately determined to be impermissible under this Policy, the ~~Vice President~~ Executive Vice President (or other supervisors, for Investigators) may impose sanctions not inconsistent with the substantive and procedural requirements of the Faculty Code (or other applicable procedures).

11. A ~~f~~Faculty ~~m~~Member or Investigator whose conduct has been ultimately determined to be permissible under this Policy shall be insulated from school or University sanction for that conduct. However, another ~~f~~Faculty ~~m~~Member or Investigator may not rely on an approval that addressed a different ~~f~~Faculty ~~m~~Member's or Investigator's conduct, as it may have been based on unique circumstances.

## V. RESOURCES FOR INFORMATION ON FINANCIAL CONFLICTS OF INTEREST

NIH home page:  
[www.nih.gov](http://www.nih.gov)

NIH conflict of interest requirements:  
<http://grants1.nih.gov/grants/policy/emp/programs/overview/ep-coi.htm>

NIH list of conflict of interest information resources available on the Web:  
<http://grants1.nih.gov/grants/policy/coi/resources.htm>

NSF home page:  
[www.nsf.gov](http://www.nsf.gov)

NSF "Grant Policy Manual, Chapter V – Grantee Standards":  
<http://www.nsf.gov/pubs/2002/nsf02151/gpm5.htm>

Frequently asked questions concerning PHS and NSF investigator conflicts of interest  
[www.nih.gov/grants/policy/coifaq.htm](http://www.nih.gov/grants/policy/coifaq.htm)

FDA home page:  
[www.fda.gov](http://www.fda.gov)

FDA "Device Advice: Financial Disclosure":  
[www.fda.gov/cdrh/devadvice/ide/financial.shtml](http://www.fda.gov/cdrh/devadvice/ide/financial.shtml)

FDA guidance "Financial Disclosure by Clinical Investigators":  
[www.fda.gov/oc/guidance/financialdis.html](http://www.fda.gov/oc/guidance/financialdis.html)

DHHS draft interim guidance "Financial Relationships in Clinical Research: Issues for Institutions, Clinical Investigators and IRBs to Consider When Dealing with Issues of Financial Interests and Human Subject Protection":  
<http://ohrp.osophs.dhhs.gov/humansubjects/finreltn/finguid.htm>

National Bioethics Advisory Committee publication: "Ethical and Policy Issues in Research Involving Human Participants":

<http://bioethics.georgetown.edu/nbac/pubs.html>

Association of American Medical Colleges Task Force on Financial Conflicts of Interest in Clinical Research report "Protecting Subjects, Preserving Trusts, Promoting Progress – Policy and Guidelines for the Oversight of Individual Financial Interests in Human Subjects Research":

<http://www.aamc.org/members/coitf/firstreport.pdf>

Association of American Universities Task Force on Research Accountability "Report on Individual and Institutional Financial Conflict of Interest":

<http://www.aau.edu/research/COI.01.pdf>

Council on Governmental Relations, "Recognizing and Managing Personal Financial Conflicts of Interest" (2002) (available in hard copy from the University Office of Research Services and the Medical Center Office of Health Research, Compliance and Technology Transfer)



## A RESOLUTION TO AMEND THE POLICY ON SCIENTIFIC MISCONDUCT (03/8)

**WHEREAS,** The George Washington University has a responsibility to itself and to the federal government and other sponsors of its research to promote and conform to the highest standards of ethical scientific conduct; and

**WHEREAS,** the Office of Research Integrity (ORI) of the Department of Health and Human Services undertook a review of the University's "Misconduct in Research Policy" dated February 8, 1991 (amended to agree with Faculty Senate Resolution (90/11) passed February 8, 1991) and determined that the policy does not comply with federal regulation (42 CFR Part 50, Subpart A) and that, in order to remain eligible for PHS funding, the University would need to revise its administrative policy for handling allegations of scientific misconduct within 30 days; and

**WHEREAS,** a new policy patterned closely after ORI's model policy was submitted to ORI in November, 2003, with the understanding that it still needed to be approved within the University; and

**WHEREAS,** ORI responded that the revised policy was an appropriate response and offered only minor changes, which have been incorporated in the draft; **NOW, THEREFORE**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:**

That the Faculty Senate supports the proposed policy, "The George Washington University Policy and Procedures Regarding Allegations of Scientific Misconduct," to be adopted as an Interim Policy, replacing the existing Policy, until reported favorably by the Faculty Senate Committee on Professional Ethics and Academic Freedom, with a target reporting date of the May, 2004 Faculty Senate Meeting.

Further, until such time as the position of the Associate Vice President for Health Research (AVPHR) is filled, the Vice President for Health Affairs shall be designated to carry out the responsibilities assigned to the AVPHR under the Policy.

In addition, all references to the Assistant Vice President for Research Compliance and Technology Transfer on pages 5 through 18 of the Policy and on page 1 of the flow chart appended to the Policy shall be deleted.

Faculty Senate Committee on Research  
February 6, 2004

Adopted, as amended, March 12, 2004

A RESOLUTION ON SCHOLARLY COMMUNICATION AND LIBRARY SERIALS  
ACQUISITIONS 03/9

WHEREAS, a subcommittee of the Senate Committee on Libraries studied the current status of scholarly communications and library serials acquisitions; and

WHEREAS, scholarly communication through published journals, both print and electronic, is central to the healthy functioning of the scholarly community, and the instruments of scholarly communication should operate for the primary benefit of scholars and students engaged in the enterprise of learning and teaching; and

WHEREAS, large commercial publishers are increasing prices for many journal subscriptions at a rate far exceeding the rate of inflation; and

WHEREAS, licensing agreements for institutions are becoming increasingly restrictive; and

WHEREAS, leading institutions in the US and abroad, are beginning to respond to this problem; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY THAT:

1. The Faculty Senate encourages faculty members to educate themselves about this issue.
2. The Faculty Senate supports the libraries' efforts to balance priorities by deciding to cancel or not to purchase journals available only through bundle purchasing, and in some cases by purchasing newer, less established journals.
3. In reference to the production of scholarly publications, the Faculty Senate encourages faculty authors to consider accessibility when choosing where to publish their research: to consider more affordable publishers whose institutional pricing policies are in line with reasonable price increases, and to consider newer open-access publications.
4. The Faculty Senate encourages faculty who serve on editorial boards of journals to be aware of, and to the extent possible, involved in decisions concerning pricing of periodicals and thereby concerning dissemination of knowledge, scholarship, and research.

Drafted by John Heins, German and Slavic Languages, Caroline Long, Librarian,  
and Anne Linton, Librarian, on behalf of the Senate Committee on Libraries;  
Sylvia A. Marotta, Chair.

February 19, 2004

Adopted April 9, 2004

## Resolution Concerning Scholarly Communication and Library Serials Acquisitions

### Preamble:

Librarians have brought to the attention of the Faculty Senate Standing Committee on Libraries a continuing crisis in scholarly communication affecting academic libraries throughout the US and overseas, particularly in reference to serials acquisitions. As large commercial publishers are increasingly dominating the market for scholarly journals, the prices for many journal subscriptions, both print and electronic, are unjustifiably increasing at a rate far exceeding the rate of inflation. The Association of Research Libraries reports that serial costs for member libraries increased 215% over the past 15 years, while the Consumer Price Index increased only 62%. At the same time, journals are becoming subject to increasingly restrictive rules regarding use by virtue of the licensing agreements between publishers and institutional subscribers (e.g. restrictive downloading, photocopying and lending rules). At GW, the effect of these changes is a necessary decrease in the number of serials the libraries may acquire, and simultaneously an unavoidable increase in the overall cost of those we do acquire, cutting into budgets for book purchases as well. With other institutions being forced into similar cutbacks, access to scholarly output is diminishing in the aggregate. (For fuller explanations of this dynamic and a wealth of resources related to this growing international problem, faculty are invited to consult the website <http://www.gwu.edu/gelman/guides/general/scholarly.html> maintained by Caroline Long, Associate University Librarian for Collections Services.)

Leading institutions both here and abroad, including Harvard, Cornell, the University of California, and the Parliament of the UK, have begun taking strong action in response to the problem. This action in some cases has included cancelling subscriptions from certain "prime offender" publishers such as Reed Elsevier rather than submitting to their unfair use restrictions and "bundling" practices. ("Bundling" refers to a practice wherein libraries purchase electronic versions of the print journals plus many other of the publishers' titles for a modest amount beyond the cost of their paper subscriptions, only to face large price increases at renewal time. As libraries are unable to afford the increasing price of the bundle and they seek to tailor subscriptions to university research and curricula, they are forced to buy individual subscriptions at substantially higher prices.)

The resistance to the increasingly severe restriction of scholarly information will be most effective if that resistance becomes widespread in the scholarly community. The Faculty at GW has a vital stake in the acquisition of new scholarly knowledge through academic journals, and is integrally involved in the production and distribution of that knowledge through its publication in, and editorial work on, scholarly journals published by a variety of publishers. In order to address this crisis in an effective and comprehensive way, we at GW must consider not only the principles whereby the GW libraries should acquire serials, but also the principles whereby we choose to support journals by submitting our scholarly work and to accord journals our scholarly acclaim.

**Whereas:** Scholarly communication through published journals, both print and electronic, is central to the healthy functioning of the scholarly community, and the instruments of scholarly communication should operate for the primary benefit of scholars and students engaged in the enterprise of learning and teaching,

**Be it Resolved That:**

1. The Faculty Senate encourages faculty members to educate themselves about this issue.
2. Recognizing that in light of the circumstances indicated above, and in a state of quite limited resources, the GW libraries must regularly make very difficult choices among potential serials purchases, the Faculty Senate supports the libraries' efforts to balance priorities by deciding to cancel or not to purchase journals available only through bundle purchasing, and in some cases by purchasing newer, less established journals.
3. In reference to the production of scholarly publications, the Faculty Senate encourages faculty authors to consider accessibility when choosing where to publish their research: to consider more affordable publishers whose institutional pricing policies are in line with reasonable price increases, and to consider newer open-access publications.
4. The Faculty Senate encourages faculty who serve on editorial boards of journals to be aware of, and to the extent possible, involved in decisions concerning pricing of periodicals and thereby concerning dissemination of knowledge, scholarship, and research.

**A RESOLUTION ON THE ROLES OF FACULTY MEMBERS, ADVISORY SCHOOL-WIDE PERSONNEL COMMITTEES AND ADMINISTRATION OFFICIALS IN TENURE AND PROMOTION CASES (03/10)**

**WHEREAS**, the Faculty Code and authoritative documents of the American Association of University Professors ("AAUP") establish that actions on applications for tenure and promotion should be undertaken in accordance with a collaborative process that involves faculty members, advisory school-wide personnel committees, deans and the Executive Vice President for Academic Affairs ("VPAA"); and

**WHEREAS**, in view of the recent recodification of the Faculty Code and administrative actions in certain recent tenure and promotion cases, the Faculty Senate deems it a matter of great importance to survey the provisions of the Faculty Code and AAUP documents for the purpose of clarifying the principles and procedures that should be followed by faculty members, advisory school-wide personnel committees, deans and the VPAA in evaluating faculty candidates for tenure and promotion; and

**WHEREAS**, Article IV.C.2 of the Faculty Code provides that (i) "[e]ach school or comparable educational division shall establish and publish criteria on which the granting of tenure will be based to implement the factors itemized in [Article IV.C.1]"; (ii) each department shall publish any additional criteria for tenure established by that department; and (iii) "[e]ach department or nondepartmentalized school shall establish and publish the procedures followed for making decisions concerning tenure"; and

**WHEREAS**, Article IV.C.3 of the Faculty Code states that "[t]o aid faculty members in assessing their potential for achieving tenure, each department, division, or comparable program shall establish procedures for informing individual faculty members, upon request, concerning probable status with regard to tenure", while adding that "[s]uch information will not constitute a commitment to recommend tenure"; and

**WHEREAS**, Article IV.B.3 of the Faculty Code provides that (i) "[e]ach school or comparable educational division shall establish and publish criteria on which promotion shall be based"; (ii) each department shall publish any additional criteria for promotion established by that department; and (iii) "[e]ach department or nondepartmentalized school shall establish and publish the procedures followed for making decisions concerning promotions"; and

**WHEREAS**, evaluations of annual reports of faculty members by their department chairs and deans and (where applicable) renewals of the contracts of tenure-track faculty members should provide accurate, timely and detailed information to faculty members regarding their progress (or lack thereof) toward meeting the applicable criteria for tenure and/or promotion; and

**WHEREAS**, Section B.2 of the Procedures for the Implementation of the Faculty Code (hereinafter "Procedures") provides that tenured faculty members of the appropriate rank within each department or nondepartmentalized school shall make recommendations for the granting of tenure to faculty members, and for the promotion of faculty members, within such department or school; and

**WHEREAS**, (i) Section B.3 of the Procedures provides that actions concerning tenure and promotion “shall normally follow faculty recommendations” and “[d]epartures from this standard shall be limited to those cases involving compelling reasons”; and (ii) Section B.4 of the Procedures provides that “[v]ariant or nonconcurring recommendations from an administrative officer” must be accompanied by “supporting reasons”; and

**WHEREAS**, Article IV.D of the Faculty Code provides that (i) each school shall establish an elected school-wide personnel committee to consider recommendations for decisions concerning tenure and promotion; (ii) an elected standing committee, when sitting in review of a recommendation for tenure or promotion originating from a department or equivalent unit, “shall advise the dean of that school whether the candidate has met the relevant school and department criteria and whether it has identified any ‘compelling reasons’ that may exist for not following the department or unit recommendation”; and (iii) such “advisories” provided to the dean by an elected standing committee “shall not be construed as ‘faculty recommendations’ as defined by Section B.3 of the Procedures”; and

**WHEREAS**, in a Memorandum to the University’s full-time faculty dated February 10, 1993 (hereinafter “1993 Memorandum”) (copy attached to this Resolution as Exhibit A), the Executive Committee of the Faculty Senate described the respective roles of faculty members, advisory school-wide personnel committees, deans and the VPAA in acting on applications for tenure and promotion; and

**WHEREAS**, the 1993 Memorandum (at p. 2) provided the following explanation regarding the proper relationship between faculty recommendations concerning tenure and promotion and administrative nonconcurrences:

“For reasons of ... the specialized professional qualifications of the recommending faculty, the faculty is given a large measure of discretion by the Faculty Code. Under the Code, in the case of a nonconcurrency, a heavy burden of overcoming a presumption in favor of the Department’s recommendation is placed upon the Dean. As indicated, the latter must identify the ‘compelling reasons’ for his/her nonconcurrency. ... Institutionally the term ‘compelling reasons’ has been interpreted as constituting more than a different conclusion on the part of the administrator. ‘Compelling reasons’ have been identified as: financial constraints of the University; programmatic constraints; failure of the faculty to conform to published promotion or tenure procedures; arbitrary and capricious recommendations; insufficient supporting evidence provided by the Department; and inadequacy of the reasons presented by the Department.”

**WHEREAS**, the 1993 Memorandum also explained that (i) an administrator’s nonconcurrency with a faculty recommendation concerning tenure or promotion “should be supported by findings sufficient to rebut and overcome the evidence submitted in support of the faculty recommendation” (p. 4); (ii) as established under Resolutions 91/6 and 91/9 of the Faculty Senate, advisory school-wide personnel committees are intended to serve as “decanal advisory groups” and should not “substitute their judgment for that of the Department faculty” (p. 4); and (iii) neither advisory school-wide personnel committees nor the deans are



“professionally qualified to evaluate de novo the substantive conclusions of the faculty” (pp. 5-6); and

**WHEREAS**, (i) the 1993 Memorandum was discussed in, and attached as an exhibit to, Resolution 00/2 of the Faculty Senate, adopted on October 13, 2000, and (ii) the ninth “WHEREAS” clause of that Resolution expressed the Faculty Senate’s understanding that “the University Administration is in general agreement with the interpretation of the ‘compelling reasons’ standard set forth in the 1993 Memorandum”; and

**WHEREAS**, an interpretation approved in May 1993 by the AAUP’s Committee T on College and University Government (copy attached to this Resolution as Exhibit B) endorsed “the presumption in favor of faculty judgment” on “questions of faculty status” and also provided the following explanation of the standard of “compelling reasons” set forth in the Joint Statement on Government of Colleges and Universities, which was adopted in 1966 by the AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges:

“Committee T concluded that a compelling reason involves more than a disagreement with faculty judgment but is not one that virtually commands a decision. Even if the administration and governing board are persuaded that the faculty judgment is incorrect, they should reverse it only on that rare occasion when they can provide convincing reasons for rejecting the faculty’s presumed academic expertise. A compelling reason should be one that plainly outweighs persuasive contrary reasons.”

**WHEREAS**, it is the sense of the Faculty Senate that, in recent instances, administrative nonconcurrences with faculty recommendations concerning tenure and promotion have raised troubling questions regarding (i) an evident lack of clarity in the criteria and procedures for tenure or promotion established by some departments and/or schools; (ii) an apparent lack of timely, accurate and detailed advice to some faculty candidates with regard to their progress (or lack thereof) toward meeting the applicable criteria for tenure or promotion; (iii) an apparent tendency by some advisory school-wide personnel committees and administrators to view their roles as allowing them the right (A) to make a de novo review of the qualifications of faculty candidates for tenure or promotion and (B) to substitute their judgment for the informed judgment of the recommending faculty; **NOW, THEREFORE**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:**

That it is the sense of the Faculty Senate that particular care must be taken to observe the following principles established by the Faculty Code and authoritative AAUP documents dealing with university governance:

- 1) Each department or school should ensure that its criteria and procedures governing tenure and promotion (A) comply with Articles IV.B and IV.C of the Faculty Code and Sections B.2 and B.3 of the Procedures and (B) provide clear, specific and detailed guidance to faculty candidates regarding the standards to be applied by the

department's or school's faculty in making recommendations concerning tenure and promotion.

- 2) Each faculty appointment letter should refer to and enclose (A) the criteria for tenure and/or promotion (as applicable) established by Article IV of the Faculty Code and (B) the additional criteria established by the relevant department and/or school. Any additional expectations for performance set forth in a faculty appointment letter should be consistent with the foregoing criteria.
- 3) In providing oral and written evaluations of annual reports of a faculty member who is expected to be a future candidate for tenure and/or promotion, the responsible department chair and/or dean should provide accurate, timely and detailed advice regarding the faculty member's progress (or lack thereof) toward meeting the applicable criteria for tenure and/or promotion; provided, that such advice is not to be construed or understood as a commitment to recommend tenure or promotion.
- 4) In renewing the contract of a faculty member who is expected to be a future candidate for tenure and/or promotion, the recommending faculty and the responsible administration officials should provide the faculty member with a comprehensive analysis of his or her progress (or lack thereof) toward meeting the applicable criteria for tenure and/or promotion; provided, that such analysis is not to be construed or understood as a commitment to recommend tenure or promotion.
- 5) In reviewing a faculty recommendation for promotion or tenure, the advisory school-wide personnel committee, the dean and the VPAA do not have authority to make a de novo review of the faculty candidate's qualifications or to substitute their judgment for the judgment of the recommending faculty. In order to issue a nonconcurrence with the decision of the recommending faculty, the dean and the VPAA must each provide a detailed statement of "compelling reasons" that are sufficient to overcome the presumption in favor of the specialized professional expertise of the recommending faculty. The dean and the VPAA cannot meet this heavy burden unless the "compelling reasons" identified in their respective statements: (A) are based on a finding of (i) significant financial or programmatic constraints, (ii) the failure of the recommending faculty to conform to published tenure or promotion procedures, (iii) arbitrary or capricious action by the recommending faculty, or (iv) insufficient evidence or inadequate reasons provided by the recommending faculty; and (B) plainly outweigh the evidence and reasons provided by the recommending faculty in support of granting tenure or promotion to the faculty candidate.

Faculty Senate Committee on Professional Ethics and Academic Freedom  
March 31, 2004

Adopted April 9, 2004





## FACULTY SENATE

MEMORANDUM

February 10, 1993

TO: FULL-TIME FACULTY COLLEAGUES

FROM: Executive Committee, Faculty Senate

RE: Nonconcurrences; School-Wide Faculty Personnel Committees;  
and the Faculty Code

As you may know from the Executive Committee reports to the Senate, two Administration nonconcurrences with faculty promotion recommendations are being reviewed by the Board of Trustees.

In the process of preparing the report for the Board of Trustees and through discussions with administrative officers and faculty, it became apparent that there are distinct variances in the definition of nonconcurrences, compelling reasons, and the role of the School-Wide Personnel Committees. There are also variances regarding the reading of the Faculty Code with respect to policy and procedures.

In the accompanying report the Executive Committee has attempted to provide an institutional and current reading of policy and process with regard to nonconcurrences, compelling reasons, and the faculty role in promotion and tenure decisions. In reviewing this document, please note that the GWU Faculty Code, approved by the Board of Trustees, follows the Joint Statement on Government of Colleges and Universities developed and accepted by the AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges in 1966.

Enclosure

REPORT OF THE EXECUTIVE COMMITTEE OF THE FACULTY SENATE

THE FACULTY CODE: RESPECTIVE ROLES OF FACULTY AND  
ADMINISTRATION IN PROMOTION AND TENURE DECISIONS

I. OVERVIEW OF THE PROCESS

1. The review of the candidate is made by the Departmental Committee(s) on Promotion and/or Tenure in accordance with University, School, and Department criteria and procedures.
2. The recommendation is forwarded to the Academic Dean.
3. The Academic Dean seeks advice of the School-Wide Personnel Committee.
4. The Academic Dean determines whether he/she will sustain the recommendation or noncur and advises the Academic Vice President accordingly.
5. In the event of a nonconcurrence by either the Dean or the Vice President, the relevant Department and the Executive Committee are notified.
6. The Executive Committee meets separately with the Department Chair/representative; and the Dean. If a resolution cannot be achieved and neither party withdraws, the matter, with an accompanying report from the Executive Committee, is forwarded to the Board of Trustees for resolution.

## II. THE FACULTY CODE AND TENURE/PROMOTION: INTERPRETATION AND PROCEDURES

The Faculty Code provides that tenure and promotion recommendations "shall normally follow faculty recommendations" and that "departures from the standard shall be limited to those cases involving compelling reasons." A nonconcurring administrative officer must show "compelling reasons" and must give "supporting reasons" for the nonconcurrence. [Faculty Code, p.19, Par. 3 & 4]

For reasons of the special nature of faculty self-governance and the presumption of the specialized professional qualifications of the recommending faculty, the faculty is given a large measure of discretion by the Faculty Code. Under the Code, in the case of a nonconcurrence, a heavy burden of overcoming a presumption in favor of the Department's recommendation is placed upon the Dean. As indicated, the latter must identify the "compelling reasons" for his/her nonconcurrence. [Faculty Code, p.19, Par. 3] Institutionally the term "compelling reasons" has been interpreted as constituting more than a different conclusion on the part of the administrator. "Compelling reasons" have been identified as: financial constraints of the University; programmatic constraints; failure of the faculty to conform to published promotion or tenure procedures; arbitrary and capricious recommendations; insufficient supporting evidence provided by the Department; and inadequacy of the reasons presented by the Department. The Code, as noted above, also requires that the administrative official who nonconcurs

provide "supporting reasons." [Faculty Code, p.19, Par. 4]

The George Washington University Faculty Code follows the Joint Statement on Government of Colleges and Universities, developed and accepted in 1966 by the American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges. The section from the Joint Statement pertaining to the role of the faculty vis-à-vis personnel actions is as follows:

Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues . . . . The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail. [AAUP, Section V, p.109, Par. 3]

It would seem reasonable to expect a nonconcurrence to include the following:

1. A statement of nonconcurrence, with explicit conclusions;
2. A reasoned justification of the nonconcurrence, citing explicit factual findings and professional judgments, and referring in explicit terms to the record submitted with the recommendation; and

3. Specific detailed findings with supporting evidence relating to the alleged shortcoming with regard to the individual faculty member's professional achievement, quality of work, and general or specific professional reputation, in order to demonstrate "compelling reasons."

The nonconcurrence, then, should be supported by findings sufficient to rebut and overcome the evidence submitted in support of the faculty recommendation.

### III. RECENT PROVISIONS IN THE FACULTY CODE: ROLES OF RESPECTIVE PARTIES

The Faculty Code, the Joint Statement, and traditional practice identify the Department Committee as the group with primary professional expertise with respect to the candidate's record. In establishing the School-Wide Personnel Committees [Senate Resolutions 91/6 and 91/9], the intent of the Faculty Senate and the Committee on Appointment, Salary, and Promotion Policies which presented the Resolutions was that these groups serve as multiple disciplinary decanal advisory groups rather than to impose a substantive judgment on top of that of the departments. They are explicitly advisory to the Dean; they were not intended to substitute their judgment for that of the Department faculty. Resolutions 91/6 and 91/9

establishing School-Wide Personnel Committees read as follows:

D. School-Wide Personnel Committees

Res. 91/6

To implement the procedures required in Sections B.3 and C.2 above, each school or college shall establish a school-wide personnel committee, either as an elected standing committee or of the school faculty acting as a committee of the whole, to consider recommendations for appointments with tenure, promotion, or tenure of regular full-time faculty. Such committees may request additional information, documentation, or clarification respecting such recommendations. Further:

1. An elected standing committee, sitting in review of recommendations originating from a department or equivalent unit, shall advise the dean of that school or college whether the candidate has met the relevant school and department criteria, and whether it has identified any "compelling reasons" which may exist for not following the departmental or unit recommendation. Such advisories shall not be construed as "faculty recommendations" as defined by Section B.3 of the Procedures for Implementation of the Faculty Code.

Res. 91/9

2. When the faculty of a school or college, sitting as a committee of the whole, serves as the school's personnel committee, and initiates recommendations to the dean for appointments and actions affecting renewal of appointments, promotion, tenure designation, and termination of service, such recommendations shall be construed as "faculty recommendations" in the sense of the Procedures, Section B.3.

The role of the Executive Committee of the Faculty Senate with respect to nonconcurrences should also be considered. Composed of one elected representative from each school, it is not intended to function as yet another committee reviewing the specific qualifications of the candidate. The Executive Committee, like the advisory personnel committees of the Schools and the Dean, is not,

as a group, professionally qualified to evaluate de novo the substantive conclusions of the faculty. The role of the Executive Committee is an institutional one, to serve the process, not to independently substitute its judgment for that of the Department faculty. It seeks to obtain an agreeable resolution through examination of both the recommendation and the nonconcurrence.

Institutional experience indicates that the interpretation of the Faculty Code and the role of the relevant groups within the tenure/promotion process, as outlined above, is appropriate. In the majority of cases, concurrence has been reached through internal discussion and debate. As verified by past experiences, the University has been effectively served by its system of faculty self-governance to solve internal problems and disagreements.

February 10, 1993



From *Academe* Sept.- Oct. 1993

## The Standard of "Compelling Reasons" in the *Joint Statement on Government of Colleges and Universities*

*An interpretation approved in May 1993 by Committee T on  
College and University Government*

Responding to inquiries from officers of several of AAUP's state conferences, Committee T discussed the "compelling reasons" standard set forth in the *Joint Statement on Government of Colleges and Universities*. The *Statement on Government* provides that "[t]he governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail." What, members of Committee T considered, are reasons that can be described as compelling? Committee members noted in their discussion that the "compelling reasons" standard calls for something much stronger than mere disagreement with a faculty judgment. The standard should be consistent with the provision in the *Statement on Government* that the faculty has primary responsibility for faculty status and related matters. It would be inconsistent, however, with broader principles of shared authority and collegiality to expect the administration and governing board to resist the presumption in favor of the faculty judgment only if they can show that their reason for doing so is compelling in the sense of irresistible.

Committee T concluded that a compelling reason involves more than disagreement with faculty judgment but is not one that virtually commands a decision. Even if the administration and governing board are persuaded that the faculty judgment is incorrect, they should reverse it only on that rare occasion when they can provide convincing reasons for rejecting the faculty's presumed academic expertise. A compelling reason should be one which plainly outweighs persuasive contrary reasons.

A RESOLUTION OF APPRECIATION (03/11)

WHEREAS, Lilien F. Robinson has earned the highest level of respect, gratitude, and admiration of the University community; and

WHEREAS, her term of service on the Executive Committee of the Faculty Senate has reached its statutory limit; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the following citation be issued:

In recognition of the wide range of outstanding contributions to The George Washington University made by Professor Lilien F. Robinson during her 40 years of remarkable service; and

In recognition of her 40 years of dedicated service to her students and colleagues in the Department of Art during her progression from Teaching Fellow to Professor of Art History, during which time she has consistently adhered to the highest standards of excellence in her teaching and scholarship; and

In recognition of her 23 years of distinguished service as Chair of the Department of Art, during which time she provided exceptional leadership to her Departmental colleagues; and

Especially in recognition of her extraordinary contributions to the entire University faculty through her 25 years of exemplary service as a member of the Faculty Senate – including 13 years as a member of the Executive Committee, 11 years as Chair of the Executive Committee, 6 years as Chair of the Committee on Appointment, Salary and Promotion Policies, 3 years as Chair of the Committee on Administrative Matters as They Affect the Faculty, 2 years as Chair of the Committee on Professional Ethics and Academic Freedom, and 1 year as Chair of the Committee on Educational Policy – during which time she has compiled an unequalled record of major accomplishments for the University faculty, due to her outstanding qualities of leadership, integrity, collegiality, diplomacy, fairness, kindness, patience, and unwavering commitment to reasoned discourse and deliberation;


THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

HEREBY EXPRESSES ITS

DEEPEST APPRECIATION AND GRATITUDE TO

PROFESSOR LILIEN F. ROBINSON

FOR HER DISTINGUISHED SERVICE



*Stephen Joel Trachtenberg*

Stephen Joel Trachtenberg  
President

April 9, 2004

Adopted by acclamation  
April 9, 2004

# RESOLUTIONS 2003-04 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
03/1	5/9/03	A Resolution on the Alternative Academic Calendar	Adopted 5/9/03	
03/2	5/9/03	A Resolution on Establishment of a "School of Public Policy and Public Administration" within the Columbian College of Arts & Sciences	Adopted 5/9/03	
03/3	9/12/03	A Resolution For University Financial Support of Faculty Members to Attend Conferences and meetings and to Receive Stipends for Purchase of Materials in Support of their Research (03/3)	Referred to joint subcomm of Research + FD+S	
03/4	10/31/03	A Resolution on the Proposals for an Alternative Academic Calendar	Adopted 10/31/03	

# RESOLUTIONS 2003-04 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
03/1	5/9/03	A Resolution on the Alternative Academic Calendar	Adopted 5/9/03	
03/2	5/9/03	A Resolution on Establishment of a "School of Public Policy and Public Administration" within the Columbian College of Arts & Sciences	Adopted 5/9/03	
03/3	9/12/03	A Resolution For University Financial Support of Faculty Members to Attend Conferences and meetings and to Receive Stipends for Purchase of Materials in Support of their Research (03/3)	Referred to joint subcomm of Research + FD+S	
03/4	10/31/03	A Resolution on the Proposals for an Alternative Academic Calendar	Adopted 10/31/03	

# RESOLUTIONS 2003-04 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
03/5	11/14/03	A Resolution to Amend the Code of Academic Integrity	Adopted 10/20/11/14/03	
03/6	1/16/04	A RESOLUTION TO RECOMMEND THE ESTABLISHMENT OF AN ELECTION AS OF RIGHT BY TENURE TRACK FACULTY WHO BECOME NEW PARENTS DURING THE PROBATIONARY PERIOD (03/6)	ADOPTED AS AMENDED FORWARDED	TO SARA FOR BOARD
03/7	2/13/04	A RESOLUTION TO AMEND THE POLICY ON CONFLICTS OF INTEREST AND COMMITMENT (03/7)		Adopted 2/13/04 Forwarded to SJT 2/23/04
03/8	3/12/04	A Resolution to Amend the Policy on Scientific Misconduct	Adopted as amended 3/12/04	
03/9	4/9/04	A Resolution on Scholarly Communication & Library Serials Acquisitions	Adopted 4/9/04	
03/10	4/9/04	PeAF (ten+prom dec)	" "	
03/11	4/9/04	Res of Appree (LFR)	" "	